

### **REMARKS/ARGUMENTS**

#### **Restriction/Election**

The Office considered the claims of the present application to be directed to patentably distinct inventions. Specifically, the Examiner required election of a single invention, wherein the first invention is drawn to nucleic acid sequences (Group I, reading on claims 2, 5, 7, 9, 11, and 13), and wherein the second invention is drawn to a yellow fluorescent protein (Group II, reading on claims 1, 4, 6, 8, 10, 12, and 14-15).

The applicant disagrees. Nevertheless, the applicant **elects without traverse** Group II, reading on **claims 1, 4, 6, 8, 10, 12, and 14-15**. Claims 2, 5, 7, 9, 11, and 13 were withdrawn without prejudice.

#### **REQUEST FOR ALLOWANCE**

Claims 1, 4, 6, 8, 10, 12, and 14-15 are pending in this application with claims 2, 5, 7, 9, 11, and 13 being withdrawn. The applicant requests allowance of all pending claims.

Respectfully submitted,

RUTAN & TUCKER

By 

Martin Fessenmaier, Ph.D.

Reg. No. 46,697

Tel.: (714) 641-5100